

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL R. CLARK,
Plaintiff,

vs.

Case No. 1:12-cv-218

Speigel, J.
Litkovitz, M.J.

EVERGREEN SOUTHWEST
BEHAVIORIAL HEALTH SERVICES,
LLC d/b/a BRIDGEWELL HOSPITAL,
Defendant.

ORDER

Plaintiff Michael R. Clark brings this action against defendant Evergreen Southwest Behavioral Health Services, LLC d/b/a Bridgewell Hospital alleging that defendant unlawfully discriminated and retaliated against him on the basis of his sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* This matter is before the Court on defendant's motion to reconsider. (Doc. 18).

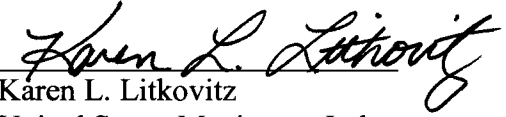
On April 15, 2013, this Court entered an order granting plaintiff's motion to compel (Doc. 9) due, in part, to defendant's failure to oppose the motion. *See* Doc. 17. The undersigned also granted plaintiff's request for fees and costs associated with filing the motion in accordance with Fed. R. Civ. P. 37. *Id.* The day after entry of the order, defendant filed the instant motion asserting that it had complied with all of plaintiff's discovery responses and that its failure to respond to the motion to compel was inadvertent. (Doc. 18). Accordingly, defendant requested that the Court reconsider its ruling noting also that its own motion to compel (Doc. 15) was still pending. *Id.* Plaintiff subsequently filed a notice withdrawing the motion to compel. *See* Doc. 23. Plaintiff represents that he does not intend to seek fees and costs associated with the motion. *Id.* Defendant has also withdrawn its motion to compel. *See* Doc. 36.

Given the parties' representations and their voluntary withdrawals of their respective

motions to compel, defendant's motion to reconsider (Doc. 18) is **GRANTED**. The Court's April 15, 2013 Order (Doc. 17) is hereby **RESCINDED**.

IT IS SO ORDERED.

Date: 5/24/13


Karen L. Litkovitz
United States Magistrate Judge